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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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52835 7590 07/03/2008 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902				
EXAMINER				
PHILLIPS, HASSAN A				
ART UNIT		PAPER NUMBER		
2151				
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07/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/763,246

Applicant(s)

XIE ET AL.

Examiner

HASSAN PHILLIPS

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to communications filed April 14, 2008.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 12, 2008 has been entered.

Response to Arguments

3. Applicant's arguments filed March 12, 2008 have been fully considered but they are not persuasive. Applicant argued: Kelly fails to disclose assigning to an online computer a unique full digital code address (FDCA), as claimed in claim 1.

4. In response to applicant's arguments, applicant has amended the independent claims to similarly recite "a unique full digital code address (FDCA) ...which is used to replace IP address-domain name address coding solutions". This recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body

of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, even if the recitation was recited in the body of the claims, the claimed invention would still fail to distinguish over the teachings of the prior art. On page 6 of the remarks, applicant suggests "like an IP address in the Internet, each FDCA in the network using the FDCA address system is the real network address and will be used on the network layer of the network architecture". Examiner submits these teachings are not clearly recited in applicant's claimed invention even when reading in light of applicant's originally submitted disclosure. Thus examiner maintains the interpretation given to the claims in previous actions is proper, and submits applicant's claimed invention fails to distinguish over the teachings of the prior art for reasons indicated in previous actions.

5. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6, 8-16, are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly, U.S. Patent 6,594,254.

8. In considering claim 1, Kelly teaches a method for assigning a unique full digital code address (FDCA) to an online computer, which is used to replace IP address-domain name address coding solutions, the method comprising assigning to said computer the FDCA which comprises: an online number (i.e. 1-561-997-4001), comprising a digital number (i.e. 997-4001) of an established network site (i.e. telephone exchange on a PSTN), which is predetermined by a country or area, (col. 11, line 50-col. 12, line 14); a telephone number (i.e. 1-561-997-4001) comprising a country code (i.e. 1) designating the country where a user of the online computer is located, an area code (i.e. 561) designating the area where the user is located and a telephone number (i.e. 997-4001) of the user, (col. 11, line 50-col. 12, line 14); and a category number (i.e. 1-561-997-4001) comprising a digital number (i.e. 997-4001) predetermined by the country or the area for uniformly demarcating a business category (i.e. carrier.com, or provider2.com), (col. 11, line 50-col. 12, line 31).

9. In considering claim 6, Kelly discloses: not only assigning a fixed static address to each online computer, but also assigning a dynamic address to any temporary online computer, (col. 7, lines 39-46).

10. In considering claims 8 and 10, Kelly teaches accessing an E-mail box by dialing a telephone keyboard to input the FDCA into a modem of a computer (col. 7, lines 39-46, col. 11, lines 54-59), linking to the FDCA, and converting the FDCA by using dedicated software, (col. 13, lines 22-38).

11. In considering claims 9 and 11, Kelly teaches browsing the Internet by dialing up a keyboard of a dial-up telephone to input the FDCA into a modem of the computer, linking to the FDCA, and converting the FDCA by using dedicated software, (col. 7, lines 20-29, col. 11, lines 54-59).

12. In considering claim 12 Kelly teaches converting the FDCA into an IP address by using dedicated interpreting software, whereby the FDCA corresponds appropriately to one existing IP address, (col. 7, line 51-col. 8, line 8).

13. In considering claim 13, Kelly teaches converting the FDCA into a domain name by using dedicated interpreting software, whereby the FDCA corresponds appropriately to one existing domain name, (col. 12, lines 7-14).

14. In considering claim 14, Kelly teaches converting the FDCA into a Chinese hierarchy system domain name by using dedicated interpreting software, whereby the FDCA corresponds appropriately to one existing Chinese hierarchy system domain name, (col. 9, lines 35-67).

15. In considering claim 15, Kelly teaches assigning a subcategory number (i.e. boca561.997) following the category number, (col. 14, lines 4-33).

16. In considering claim 16, Kelly discloses assigning an encrypted digital number (i.e. user pin code) following the online number, (col. 16, lines 20-44).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly.

19. In considering claim 17, Kelly further teaches assigning an address to a mailbox, wherein the mail box address comprises a digital number and a domain name of a mail server where the mail box is located, (col. 7, lines 39-46, col. 11, line 50-col. 12, line 14).

Kelly also discloses identifying a mail box by an alias, E-mail address, or key word, (col. 7, lines 51-56).

Although the teachings of Kelly show substantial features of applicants claimed invention, they fail to expressly disclose: the mail box address comprising a user name.

Nevertheless, it was well known in the art at the time of the present invention that an alias, E-mail address, or key word can comprise a user name.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the teachings of Kelly to expressly show the mail box address comprising a user name. This would have advantageously facilitated identifying the mail box of a callee party when communications were desired with the callee party, (col. 7, lines 51-56).

20. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Osaku et al. (hereinafter Osaku), U.S. Patent 6,061,738.

21. In considering claim 18, Kelly teaches a method for assigning a unique full digital code address (FDCA) to each of a plurality of computers (i.e. 232) in a network, which is used to replace IP address-domain name address coding solutions, the method comprising: creating the FDCA for each of the computers (col. 7, lines 39-46), each FDCA comprising a plurality of decimal digits for indicating respectively: 1) an online number (i.e. 1-561-997-4001) (col. 11, line 50-col. 12, line 14), 2) a telephone number (i.e. 1-561-997-4001) (col. 11, line 50-col. 12, line 14), and 3) a category number (i.e. 1-

561-997-4001) (col. 11, line 50-col. 12, line 31), the online number comprising a predetermined digital number (i.e. 997-4001) for an established network site (i.e. telephone exchange on a PSTN), (col. 11, line 50-col. 12, line 14), the telephone number comprising a country code (i.e. 1) and an area code (i.e. 561) designating respectively a country and area where the computer is located, and a telephone number (i.e. 997-4001) of a user of the computer, (col. 11, line 50-col. 12, line 14), the category number comprising a predetermined digital number (i.e. 997-4001) for uniformly demarcating a business category (i.e. carrier.com, or provider2.com), (col. 11, line 50-col. 12, line 31); and assigning one of the FDCAs to a respective one of the computers, wherein the FDCAs allow the computers in the network to identify each other via the network, (col. 7, line 39-col. 8, line 8).

Kelly further discloses identifying one of the computers by an alias, E-mail address, or key word, (col. 7, lines 51-56).

Although the teachings of Kelly show substantial features of applicants claimed invention, they fail to expressly disclose: the online number, the telephone number and the category number being distinct from each other, (col. 7, lines 51-56).

Nevertheless, in analogous teachings Osaku discloses assigning distinct numbers to a URL, the numbers assigned by a combination of automatic numbering and a preferred selection of numbers, (col. 18, lines 28-63).

Thus, given the teachings of Osaku it would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the teachings of Kelly to expressly disclose the online number, the telephone number and the category

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number being distinct from each other. This would have been a mere design preference, and would have advantageously allowed assigning a unique FDCA that could be easily remembered, (Kelly, col. 7, lines 51-56, Osaku, col. 18, lines 38-63).

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASSAN PHILLIPS whose telephone number is (571)272-3940. The examiner can normally be reached on Mon-Fri (8am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hassan Phillips/
Examiner, Art Unit 2151